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PTO/SB/05 (03-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under

Attorney Docket No. 54084-47038

First Inventor Scheller, et al.

Title SURGICAL INSTRUMENT CONSTRUCTED BY  
ELECTRIC DISCHARGE MACHINING

Express Mail No. EL991956362US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
2. ☒ Specification [Total Pages 24 ]  
(preferred arrangement set forth below)  
☒ Descriptive title of the invention  
☐ Cross Reference to Related Applications  
☐ Statement Regarding Fed sponsored R & D  
☐ Reference to sequence listing, a table,  
or a computer program listing appendix  
☒ Background of the Invention  
☒ Brief Summary of the Invention  
☒ Brief Description of the Drawings (if filed)  
☒ Detailed Description  
☒ Claim(s)  
☒ Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 10 ]
4. Oath or Declaration [Total Pages 2 ]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Unexecuted
  - c. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).

Commissioner for Patents  
MAIL STOP PATENT APPLICATION  
PO Box 1450  
Alexandria, VA 22313-1450

5. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identify of above copies

**ACCOMPANYING APPLICATION PARTS**

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☒ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
13. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
14. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent
15. ☒ Certificate of Express Mail: EL991956362US
16. ☒ Other: A check for \$457.00 for the filing fee

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)  
Prior application information: Examiner \_\_\_\_\_

of prior application No.: 10/167,914

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**18. CORRESPONDENCE ADDRESS**

☐ Customer Number or Bar Code Label



or ☒ Correspondence address below

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PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number 54084-47038			
CLAIMS AS FILED – PART I				SMALL ENTITY		OR	OTHER THAN SMALL ENTITY
	(Column 1)	(Column 2)		RATE	FEE		RATE
FOR	NUMBER FILED	NUMBER EXTRA					
BASIC FEE (37 CFR 1.16(a))					385.00		
TOTAL CLAIMS (37 CFR 1.16(c))	28	minus 20 =	8	x \$9.00 =	72.00	OR	x \$ =
INDEPENDENT CLAIMS (37 CFR 1.16(b))	2	minus 3 =	0	x \$43.00 =	0.00	OR	x \$ =
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))				+	\$ =	OR	+
* If the difference in column 1 is less than zero, enter "0" in column 2				TOTAL	457.00	OR	TOTAL

- ☒ A check in the amount of \$ 457.00 is attached.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 20-0823 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \$
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

  
Signature

Dated: April 8, 2004

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I certify that the document and fee is being deposited on April 8, 2004 with the U.S. Postal Service as Express Mail under 37 C.F.R. 1.10 and is addressed to the MAIL STOP PATENT APPLICATION, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

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Signature of Person Mailing Correspondence

Joseph M. Rolnicki  
Typed or Printed Name of Person Mailing Correspondence